

Reply to Office Action mailed March 4, 2009

### **REMARKS**

In response to the Office Action mailed March 4, 2009, the Assignee respectfully requests reconsideration. Claims 1, 3-11 and 13-20 were previously pending in this application. By this amendment, claims 1, 3-11, 13-16 and 18-20 are amended. Claim 17 has been canceled without prejudice or disclaimer. No claims are added. As a result, claims 1, 3-11, 13-16 and 18-20 are pending for examination, with claims 1 and 11 being independent.

### **Rejections Under 35 U.S.C. §103**

The Office Action rejects claims 1, 3-11 and 17-20 under 35 U.S.C. 103(a) as allegedly being unpatentable over Archbold (U.S. Patent 7,031,998) and further in view of Barton (U.S. Publication No. 2002/0046074). Applicant respectfully traverses this rejection. Initially, while the Assignee does not agree that one of ordinary skill in the art would have been motivated to combine the teachings of a system for routing transcription jobs (Archbold) with the teachings of a career management system to facilitate searching for candidates to fill a job description (Barton), the Assignee believes that the claims, as amended, distinguish over the alleged combination. Accordingly, the Assignee does not argue the alleged combination herein but reserves the right to do so in the future.

Independent claims 1 and 11 have been amended to further specify the criteria used in selecting a person to assign a transcription job to be performed. In particular, the person is selected based, at least in part, "on stored personal parameters including the person's familiarity with prior dictations by the author and/or the person's familiarity with a specialist field associated with the content of the recorded dictation." Nowhere does Archbold or Barton disclose or suggest the above quoted limitation.

Archbold describes that Scribes may be selected based on available Job Transaction information (column 4, lines 4 and 5), and thereafter describes what type of information the Job Transaction information may provide. In particular, column 4, lines 5-14 of Archbold state:

The information can provide information about Scribes (productivity, billing information, qualifications, availability in real-time, projected availability, frequency of queries to authors, ability to update their own schedule in real-time, etc.), Authors

Reply to Office Action mailed March 4, 2009

(job status, frequency that Scribes have to communicate with the Author to obtain answers to queries, etc.), HOME (e.g., the HOME is 'farming out' a lot of Scribe work to other HOMES in a particular subject area suggesting that additional training and/or personnel are required) and others.

The personal information about Scribes that Archbold describes is limited to "productivity, billing information, qualifications, availability in real-time, projected availability, frequency of queries to authors, ability to update their own schedule in real-time." Nowhere does Archbold disclose or suggest selecting a person to perform a transcription job based, at least in part, on the person's familiarity with prior dictations by the author and/or familiarity with a specialist field associated with the content of the dictation.

Barton has nothing to do with transcriptions or criteria used for selecting people to perform a transcription and therefore does not cure the above stated deficiencies of Archbold. Accordingly, neither Archbold nor Barton, either alone or in combination, disclose or suggest selecting a person to perform a transcription job based, at least in part, on "stored personal parameters including the person's familiarity with prior dictations by the author and/or the person's familiarity with a specialist field associated with the content of the recorded dictation," as recited in amended claims 1 and 11. Therefore, claims 1 and 11 patentably distinguish over the alleged combination and are in allowable condition.

Claims 2 and 3-10 and claims 11 and 13-20 depend from claims 1 and 11, respectively, and are allowable for at least the same reasons.

#### **General Comments on Dependent Claims**

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.


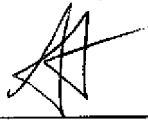
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, the Assignee hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70056US00.

Dated: June 4, 2009

Respectfully submitted,  
Nuance Communications, Inc.

By    
Richard F. Giunta  
Registration No.: 36,149  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
617.646.8000

WGS Date: x06/04/09x